

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

April 26, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Cantil-Sakauye, Associate Justice; and Horner, bailiff.

C061084 LITWIN v. ESTATE OF ROBERT FORMELA

Cause called. Hank G. Greenblatt argued and Jason Siger appeared only for appellant. Stephen J. Mackey argued for respondent. Cause submitted.

At 9:55 a.m., the court recessed. At 9:57 a.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

C061216 HILLS v. DEPARTMENTS OF GENERAL SERVICES et al.

Cause called. Joe Hills argued in pro. per. for appellant. Terence J. Cassidy argued for respondent. Cause submitted.

At 10:16 a.m., the court recessed. At 10:17 a.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Butz, Associate Justice.

C060587 THE PEOPLE v. MICHAEL DAVID SEWELL

Cause called. Hilda Scheib, court appointed counsel, argued for appellant. Christina Hitomi, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:40 a.m., the court recessed. At 10:41 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Hull, Associate Justice.

C062227 FOWLER v. STOCKTON UNIFIED SCHOOL DISTRICT

Cause called. Patrick Curry argued for appellant. Dean Petrulakis argued for respondent. Cause submitted.

At 10:54 a.m., the court recessed. At 10:56 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

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C058038 BENHAM v. SENATOR FORD, INC.

Cause called. Roy G. Weatherup argued for appellant. Scott D. Righthand argued for respondent. Cause submitted.

At 11:23 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C058687 THE PEOPLE v. GREGORY JOSEPH WOODS

Cause called. John P. McCurley argued for appellant. Jamie A. Scheidegger, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:19 p.m., the court recessed. At 2:19 p.m., the court reconvened.

C060139 THE PEOPLE v. RAYMOND PAUL BROWN

Cause called. Michael Willemsen, court appointed counsel, argued for appellant. John G. McLean, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:41 p.m., the court recessed. At 2:42 p.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C054070 RICHMAN et al. v. RIDEOUT MEMORIAL HOSPITAL et al.

Cause called. Jay-Allen Eisen argued. John A. Lawrence appeared only for appellant and cross-respondent. Frederic D. Cohen argued for respondent and cross-appellant. Cause submitted.

At 3:08 p.m., the court recessed until 9:30 a.m., Monday, May 17, 2010.

C061801 THE PEOPLE v. EDWARD McNEILL

(Not For Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Scotland, P.J.
Nicholson, J.

C062343 THE PEOPLE v. DALVIR SINGH

(Not For Publication)

The judgment is modified... As modified, the judgment is affirmed. ...
CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.
Raye, J.

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C061168 RIVERSIDE SHERIFFS' ASSOCIATION (Certified For Publication)
et al. v. BOARD OF ADMINISTRATION
OF THE CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM

The judgment is affirmed. Respondent Board shall recover its costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1), (2).)

BUTZ, J.

We Concur: Sims, Acting P.J.
 Nicholson, J.

C061884 In re L.S.; YOLO COUNTY DEPARTMENT (Not For Publication)
OF EMPLOYMENT AND SOCIAL SERVICES
v. T.S.

The order of the juvenile court is affirmed.

NICHOLSON, J.

We Concur: Blease, Acting P.J.
 Sims, J.

C060660 THE PEOPLE v. JOSEPH BRUNO-MARTINEZ
BY THE COURT:

Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

April 27, 2010

C056880 THE PEOPLE v. (Not For Publication)
CARLOS TOMAZ CAMPAZ, JR.
C058484 THE PEOPLE v.
JOHN DOUGLAS WHITE

The judgment as to Carlos Tomas Campaz, Jr., is affirmed. The judgment as to John Douglas White is affirmed.

SIMS, Acting P.J.

We Concur: Butz, J.
 Cantil-Sakauye, J.

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- C061435 THE PEOPLE v. (Not For Publication)**
RICARDO RAUL VILLA
The judgment in case number 07-7016 is reversed but the judgment in case number 05-6138 is affirmed. The sentence is vacated, and the cause is remanded for further proceedings consistent with this opinion.
BLEASE, Acting P.J.
We Concur: Sims, J.
 Hull, J.
- C064302 N.W. v. THE SUPERIOR COURT OF (Not For Publication)**
TRINITY COUNTY; TRINITY COUNTY
HEALTH AND HUMAN SERVICES et al.
The petition for extraordinary writ is denied.
SIMS, Acting P.J.
We Concur: Robie, J.
 Butz, J.
- C061463 THE PEOPLE v. DOMINIC THOMAS EMELIO**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

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**C059147 THE PEOPLE v. (Not For Publication)
 ANTON A. JOHNSON**

The robbery conviction (count five) is reversed, and the matter is remanded to the trial court for the prosecutor to have the option of presenting evidence that an arrest warrant issued against defendant within the three-year statute of limitations. If the prosecutor is able to establish the issuance of a timely arrest warrant, the court shall reinstate the robbery conviction. The simple kidnapping count involving Virginia Doe (count six) is reversed, as are the kidnapping enhancements under section 667.61, subdivision (e)(1) on counts eight through twelve. In all other respects, the judgment is affirmed. The trial court is directed to correct the abstracts of judgment to reflect that defendant was sentenced to life with the possibility of parole on count one; one year in prison on count two; and 25 years to life on counts three and eight pursuant to section 667.61. The court must also correct the "ABSTRACT OF JUDGMENT - PRISON COMMITMENT INDETERMINATE" to reflect that defendant committed count three in 2000, not 2007, and also correct the "ABSTRACT OF JUDGMENT - PRISON COMMITMENT DETERMINATE" to reflect that defendant committed counts six and seven in 1999, not 2000. The trial court is further directed to send a certified copy of the amended abstracts to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Blease, J.
 Robie, J.

**C060111 THE PEOPLE v. (Not For Publication)
 ALTONIO MAURICE HAWKINS**

The judgment is modified... A certified copy of the amended abstract shall be forwarded to the Department of Corrections and Rehabilitation.

BUTZ, J.

We Concur: Hull, Acting P.J.
 Robie, J.

C062759 THE PEOPLE v. MATTHEW RODRIGUES (Not For Publication)

The matter is remanded to the trial court...

In all other respects, the judgment is affirmed.

ROBIE, J.

We Concur: Hull, Acting P.J.
 Butz, J.

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April 28, 2010, Continued

- C062944 THE PEOPLE v. LARRY GARCIA (Not For Publication)**
The classification and booking fees imposed pursuant to Government Code section 29550.2 are stricken. ... The trial court shall prepare an amended abstract of judgment and forward a copy to the Department of Corrections and Rehabilitation.
HULL, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C060957 CALIFORNIA SCHOOLS BOARD (Not For Publication)**
ASSOCIATION et al. v. CALIFORNIA
STATE BOARD OF EDUCATION;
O'CONNELL, as Superintendent of
Public Instruction, etc., et al.
The order granting a preliminary injunction is affirmed. The plaintiffs and real parties in interest are awarded their costs on appeal. (Cal. Rules of court, rule 8.278 (a) (2).)
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C061051 In re G.M. et al.; SACRAMENTO COUNTY (Not For Publication)**
C061699 DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. S.T.
The appeals are dismissed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Hull, J.
- C061444 In re J.C.; THE PEOPLE v. J.C. (Not For Publication)**
The judgment (order of commitment) is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C061213 THE PEOPLE v. LAWRENCE PEPE CARDOZA**
BY THE COURT:
Appellant's petition for rehearing is denied.
ROBIE, Acting P.J.

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April 29, 2010

At 9:30 a.m., the court met at the Shasta Learning Center in Redding, California to begin its special court calendar session. Present were Scotland, Presiding Justice; Hull, Associate Justice; Butz, Associate Justice; and Wojnarowski, bailiff.

C061217 THE PEOPLE v. LEON WILSON CROCKETT

Cause called. Susan K. Shaler, court appointed counsel, argued for appellant. Michael Dolida, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:06 a.m., the court recessed. At 10:08 a.m., the court reconvened.

C059437 THE PEOPLE v. AARON WILLIAM ATENCIO

Cause called. Scott Conklin, court appointed counsel, argued for appellant. Jamie A. Scheidegger, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:35 a.m., the court recessed until 9:30 a.m., Monday, May 17, 2010.

C060216 THE PEOPLE v. SHONDRE GIPSON (Not For Publication)

The trial court is directed to prepare a corrected abstract of judgment to indicate that count one is a conviction for violating section 273.5, and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. The judgment is affirmed.

BUTZ, J.

We Concur: Raye, Acting P.J.

Cantil-Sakauye, J.

**C060675 THE PEOPLE v. (Not For Publication)
ANCIL LLOYD STATUM**

The judgment is affirmed.

BUTZ, J.

We Concur: Blease, Acting P.J.

Nicholson, J.

**C061270 THE PEOPLE v. (Not For Publication)
BENEDICT ATAH OMELAGAH**

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Nicholson, J.

Robie, J.

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April 29, 2010, Continued

- C062056 THE PEOPLE v. (Not For Publication)**
JOSEPH LEROY TOMBS
The matter is remanded to the trial court with instructions to vacate its order directing defendant to pay \$200 in attorney fees and to conduct further proceedings to determine defendant's ability to pay pursuant to Penal Code section 987.8. In all other respects, the judgment is affirmed.
BLEASE, J.
We Concur: Scotland, P.J.
Robie, J.
- C062933 THE PEOPLE v. (Not For Publication)**
MELISSA LEEANN CHAMPLIN
The judgment is modified... A certified copy of the amended abstract shall be forwarded to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Nicholson, Acting P.J.
Robie, J.
- C061687 In re M.G.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. M.C.
The order denying appellant's section 388 petition is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Robie, J.
- C063619 THE PEOPLE v. (Not For Publication)**
ANDREW LAWRENCE MACKEY
The judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
Raye, J.
- C056970 THE SWAHN GROUP, INC., et al. v. SEGAL et al.**
BY THE COURT:
Respondent's petition for rehearing is denied.
BLEASE, Acting P.J.

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April 30, 2010

C063057

**In re A.R.; YUBA COUNTY HEALTH
AND HUMAN SERVICES v. B.A.**

(Not For Publication)

The judgment (orders terminating parental rights and setting the matter for possible adoption) is reversed. The matter is remanded to the juvenile court with directions that the court vacate its order terminating parental rights and modify its order setting a section 366.26 hearing so that the hearing will consider only the options of legal guardianship or long-term foster care for A.R..

RAYE, J.

We Concur: Blease, Acting P.J.
Nicholson, J.